

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA
Western Division

U.S.A. vs. Nicolas A. Marcianelli

Docket No. 5:16-CR-00051-FL-1

Petition for Action on Supervised Release

COMES NOW Mark L. Culp, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of, Nicolas A. Marcianelli, who, upon an earlier plea of guilty to 18 U.S.C. § 2119, Hijacking a Motor Vehicle, was sentenced by the Honorable J. Randal Hall, U.S. District Judge in the Southern District of Georgia, on June 7, 2011, to the custody of the Bureau of Prisons for a term of 78 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 3 years. Nicolas Marcianelli was released from custody on January 15, 2016, at which time the term of supervised release commenced.

On February 24, 2016, the jurisdiction of this case was transferred from the Southern District of Georgia to the Eastern District of North Carolina.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

The defendant submitted a urine screen on January 21, 2016, which tested positive for THC. When confronted with these findings, the defendant signed an admission form stating that he used THC on both January 15, 2016 and January 16, 2016. The original special conditions of probation that were imposed in the Southern District of Georgia included a curfew from 10:00 P.M. until 6:00 A.M. throughout the period of supervision. According to probation office in Georgia, this curfew is only checked twice annually. Based on Marcianelli's recent drug use, it is believed that a shorter curfew period monitored with technology would serve as a more appropriate sanction in response to his recent actions.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The originally imposed special condition of curfew for the period of supervision is hereby stricken and the defendant shall adhere to a curfew as directed by the probation officer for a period not to exceed 6 consecutive months in lieu thereof. The defendant is restricted to his residence during the curfew hours. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

/s/ Robert K. Britt

Robert K. Britt

Supervising U.S. Probation Officer

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Mark L. Culp

Mark L. Culp

U.S. Probation Officer

310 Dick Street

Fayetteville, NC 28301-5730

Phone: 910-354-2543

Executed On: March 15, 2016

ORDER OF THE COURT

Considered and ordered this 15th day of March, 2016 and ordered filed and made a part of the records in the above case.



Louise W. Flanagan
U.S. District Judge